

**In the Drawings:**

The drawings were objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims. Specifically, side panels and convex and concave portions must be shown with no new matter entered. The drawing of Fig. 1 has been amended to show "side panels". Claims directed to the convex and concave portions have been deleted. No new matter has been added.

Please see the Amended Sheet in the Appendix attached hereto.

**ARGUMENTS/REMARKS**

Claims 1 through 6, 8 through 15 and 17 through 22 and 24 through 6 remain pending in the present application. Claims 23, 27 and 28 have been canceled.

Applicant sincerely appreciates the indication of allowable subject matter pending the amendments to overcome the 35 U.S.C. 112, second paragraph rejections.

The drawings were objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims. Specifically, side panels and convex and concave portions must be shown with no new matter entered. The drawing has been amended to show "side panels". In the brassiere art, the inclusion of side panels is so well known that the drawing attached hereto is deemed to not include new matter. The drawings have been amended accordingly.

The Specification has been amended to show side panels at page 4 of the specification. The No new matter has been added.

In the office action mailed on October 18, 2006, claims 1 through 6, 8 through 15 and 17 through 28 were rejected under 35 U.S.C. 112, first paragraph as failing to comply with the enablement requirement. Specifically, the office action stated that the "center of the pad has on[sic] been clearly defined in regard to the flat plane that runs parallel to the wearer's body then the apd[sic] is worn. The north to south center must be clearly defined so that one is not confused with the center that is defined from left to right wherein a right side of the pad would be separated along the center from a left side of the pad." (Page 2). Again, Applicant respectfully disagrees with this rejection.

The enablement requirement requires that "if given what they already know the specification teaches those in the art enough that they can make and use the invention without "undue experimentation". *Genentech, Inc. v. Novo Nordisk, A/S*, 108 F.3d 1361 1365, 42 USPQ2d 1001, 1004 (Fed. Cir. 1997); *In re Vaeck*, (47 F. 2d 488 495, 20 USPQ2d 1438, 1444 (Fed. Cir. 1991). In the specification at Page 4, lines 17 through 26, Page 5, lines 5 through 14, there is a discussion of the mold that forms the pad of the instant invention. (Figs. 3 and 4) Specifically,"the contacting surface 64 has at least two distinct areas 65, 66. Shown clearly in Fig. 4, corresponding to and/or creating first and second parts 20, 30 . . . of breast pad 10." Further "areas 65,66 can be such that first part 20 is caused to be substantially compressed relative to second part 30, or vice versa." In line 14, the Specification reads that "demarcation line 45 preferably runs along a center portion of the pad." Based upon this description in conjunction with the figures, there is no question regarding the location of the "center portion of the pad that is being claimed in the instant invention. Any reading or understanding to the contrary is inconsistent with not only the specification but also the current understanding of the law. Reconsideration and withdrawal of the 35 U.S.C. 112, first paragraph rejection are respectfully requested.

In the office action, claims 1 through 6, 8 through 15 and 17 through 28 were rejected under 35 U.S.C 112, second paragraph, as being indefinite as failing to particularly point out the subject matter which the application regards as the invention. The office action references the same discussing with regard to the enablement concern of the 35 U.S.C. 112, first paragraph rejection. Reference for clarification is made to the argument presented above. The independent claims now claim that the pad has a first upper portion and a second portion that is a lower portion and that the demarcation line separates the upper and lower portion of the pad.

The Office Action also states that the claim is also indefinite because the two side panels have not been disclosed in the specification as claimed in the

new claims 26 through 28. The office action also indicates that the convex and concave portions have also not been clearly defined and nor has the sinusoidal pattern. This rejection has been rendered moot because claim 28 has been canceled.

The claims have been amended as followed for purposes of clarity.

Independent claim 1 provides a molded breast pad having a demarcation line between the first portion and the second portion that is formed on the body-contacting surface and that is not visible on a wearer's breast during wear. The first portion is an upper portion and the second portion is a lower portion. Also, the demarcation line runs through a center portion of the pad to separate the upper portion from the lower portion.

Independent claim 10 provides a breast pad having a demarcation line separating the first part from the second part that is formed on the body-contacting surface and is not visible on a wearer's breast during wear. The first portion is an upper portion and the second portion is a lower portion. Also, the demarcation line runs through a center portion of the pad to separate the upper portion from the lower portion.

Independent method claim 19 provides a method of forming a molded breast pad having a first material and a second material of different lofts that are placed in a molding apparatus to form one or more three-dimensional breast pads having three-dimensional cup shapes, with a portion thereof being effected such that it has a relatively reduced loft. The reduced loft portion forms a demarcation line with the rest of said three dimensional breast pad that is not visible on a wearer's breast during wear. The demarcation line runs along a center portion of the pad to separate an upper portion and a lower portion of the pad.

Independent claim 21 is directed to a molded breast pad for a brassiere having a body-contacting surface. Claim 21 provides that one or more first layers be formed from a first material having a first loft associated therewith; and one or more second layers being formed from a second material having a second loft associated therewith different from that of said first material. The molded breast pad is molded such that a first portion thereof is compressed relative to a second portion thereby forming a demarcation line between the first portion and the second portion. The first portion being an upper portion and the second portion being a lower portion. The demarcation line runs along a center portion of the pad to separate the upper portion and the lower portion.

Independent claim 22 is directed to a molded breast pad for a brassiere having a body-contacting surface. Independent claim 22 provides that one or more first layers be formed from a first material having a first loft associated therewith; and one or more second layers be formed from a second material having a second loft associated therewith different from that of said first material. The molded breast pad is molded such that a first portion thereof is compressed relative to a second portion thereby forming a demarcation line between the first portion and the second portion that is formed on the body-contacting surface and that is not visible on a wearer's breast during wear. The first portion being an upper portion and the second portion being a lower portion. The demarcation line runs along a center portion of the pad to separate the upper portion and the lower portion.

Independent claim 24 is directed to a molded breast pad for a brassiere having a body-contacting surface. Claim 24 provides that one or more first layers be formed from a first material having a first loft associated therewith; and one or more second layers be formed from a second material having a second loft associated therewith different from that of the first material. The molded breast pad is molded such that a first portion thereof is compressed relative to a second portion thereby forming a three-dimensional cup shape.

One of the first portion or the second portion is a first upper portion and the other of the first portion or second portion is a lower portion of the pad, wherein by a line of demarcation the upper portion separates and the lower portion.

Independent claim 25 is directed to a molded breast pad for a brassiere having a body-contacting surface. Independent claim 25 provides that one or more first layers be formed from a first material having a first loft associated therewith; and one or more second layers be formed from a second material having a second loft associated therewith different from that of the first material. The molded breast pad is molded such that a first part thereof is compressed relative to a second part thereby forming a demarcation line between the first part and the second part. Also, the demarcation line runs along a center portion of the pad, the first part being an first upper part and the second part being a second lower part in which the demarcation line separates the upper part from the lower part.

Independent claim 26 is directed to a brassiere having a pair of breast receiving cups having two side panels. The molded breast pad is molded such that a first portion thereof is compressed relative to a second portion thereby forming a generally diagonal demarcation line between the first portion and the second portion that is formed on the body-contacting surface and that is not visible on a wearer's breast during wear. The first portion is an upper portion and the second portion is a lower portion. The demarcation line has two ends, one of the two ends proximate a center portion of the brassiere between the two breast-receiving cups and the other of the two ends proximate a side panel of one of the breast-receiving cups. The demarcation line traverses a central portion of the pad separating the upper portion from the lower portion.

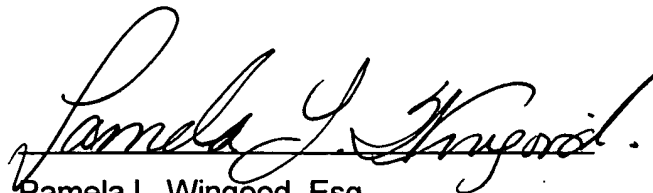
In view of the foregoing, Applicant respectfully submits that all claims presented in the application patently distinguish over the cited prior art.

Accordingly, Applicant respectfully requests favorable consideration and that this application be passed on to allowance.

Respectfully submitted,

January 18, 2007

Date

A handwritten signature in cursive script, reading "Pamela L. Wingood, Esq.", written over a horizontal line.

Pamela L. Wingood, Esq.

Reg. No. 54,903

Attorney for the Applicant

Ohlandt, Greeley, Ruggiero & Perle,

L.L.P.

One Landmark Square, 10<sup>th</sup> Floor

Stamford, CT 06901-2682

Tel: 203-327-4500

Fax: 203-327-6401

## APPENDIX